

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X

IN RE: WORLD TRADE CENTER LOWER	21 MC 102 (AKH)
MANHATTAN DISASTER SITE LITIGATION	21 MC 103 (AKH)

----- X

DEFENDANTS' STATEMENT OF UNDISPUTED FACTS

Pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1, defendants in the 21 MC 102 and 21 MC 103 dockets (collectively, "Defendants") respectfully submit this Statement of Undisputed Facts in support of Defendants' Joint Motion to Dismiss Certain Cases Pursuant to the Court's December 22, 2011 Order:

1. In its Order of August 29, 2011, which summarized the August 2, 2011 status conference in the 21 MC 102 docket, the Court set out a structured plan for the selection of 45 plaintiffs to advance through full pre-trial discovery. (Ex. C to the Declaration of Lee Ann Stevenson dated January 11, 2012.)
2. The August 29 Order instructed plaintiffs and Defendants, together with the Special Masters, "to devise a list of questions that each Plaintiff must answer, and swear to personally by their own signature." (*Id.*)
3. As of December 2, 2011, plaintiffs' counsel in the 102 and 103 dockets had submitted responses to TCDI for 1,454 plaintiffs. (Affidavit of Alfred Edward Adams IV dated January 11, 2012, ¶ 4.)
4. Of those 1,454 plaintiffs, 281 plaintiffs, all represented by the law firm of Worby Groner Edelman & Napoli Bern, LLP, submitted a response of "None" to Field 29, which asks, "For which diagnosed condition(s)/injury(s)/disease(s) does P seek recovery?" (*Id.* ¶ 5.)
5. Schedule 1 to Defendants' Joint Motion identifies these 281 plaintiffs. (*Id.*; Stevenson Decl. ¶ 11.)
6. In its Order of December 22, 2011, the Court directed Defendants to "file motions . . . indentifying (*sic*) these 281 specific cases and moving to dismiss them." (Ex. A to Stevenson Decl.)

* * * * *

New York, New York
Date: January 11, 2012

/s Lee Ann Stevenson
Lee Ann Stevenson, Esq. (LS-3065)
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Tel: (212) 446-4917
leeann.stevenson@kirkland.com
Attorney for Defendant Verizon New York Inc.
Member of Defense Liaison Committee